

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kenath Richard Stein,

Civ. No. 09-1995 (MJD/JJG)

Plaintiff,

v.

REPORT AND RECOMMENDATION

**Chase Home Finance, LLC and
National City Bank,**

Defendants.

JEANNE J. GRAHAM, United States Magistrate Judge

This matter is before the Court on Plaintiff Kenath Richard Stein's Motion to Restrain Change of Venue (Doc. No. 32). The Honorable Michael J. Davis, Chief Judge, United States District Court for the District of Minnesota, referred the motion to this Court for a Report and Recommendation on January 19, 2010 (Doc. No. 33).

Although the caption of the motion refers to venue, the substance of the motion repeats many of the arguments Plaintiff made in three previous attempts to remand this case to state court. Those previous motions—a Motion to Strike Notice of Removal (Doc. No. 2), a Motion to Consolidate Cases (Doc. No. 26), and another Motion to Consolidate Cases (Doc. No. 28)—were denied pursuant to this Court's recommendation. Insofar as Plaintiff is again asking for remand, the Court recommends that the motion be denied for the reasons expressed in this Court's Report and Recommendation dated January 5, 2010 (Doc. No. 31), which was adopted with one minor modification by the District Court on February 2, 2010 (Doc. No. 40). To the extent Plaintiff is asking the Court to prevent Defendants from seeking a change in venue pursuant to 28 U.S.C. § 1404, the motion should be denied because Defendants have not sought a change in venue.

Therefore, **IT IS HEREBY RECOMMENDED** that Plaintiff Kenath Richard Stein's Motion to Restrain Change of Venue (Doc. No. 32) be **DENIED**.

Dated: February 26, 2010

s/ Jeanne J. Graham
JEANNE J. GRAHAM
United States Magistrate Judge

NOTICE

Pursuant to District of Minnesota Local Rule 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **March 15, 2010**. A party may respond to the objections within ten days after service thereof. Any objections or responses shall not exceed 3,500 words. The district judge will make a de novo determination of those portions of the Report and Recommendation to which objection is made. The party making the objections must timely order and file the transcript of the hearing unless the parties stipulate that the district judge is not required to review a transcript or the district judge directs otherwise.